

## **REMARKS**

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1-2 are amended. Claims 1-5 remain actively pending in the case. No new matter has been added. Reconsideration of the claim is respectfully requested.

On page 2 of the Office Action, Claims 1-5 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse the rejection, but in the interest of advancing prosecution have amended the claims as suggested by the Office Action. Applicants submit that dependent claim 2 depends from independent claim 1 and include the features recited in the independent claim as well as additional feature, such as uploading said digital images by said plurality of users to said database over a communication network. Accordingly, Applicants submit the claims are complete and request the Examiner withdraw the rejection.

On page 4 of the Office Action, claims 1-5 were rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse the rejection, but in the interest of prosecution have amended claim 1 and believes that the claims now relate to statutory subject matter and are in condition for allowance. Therefore, in view of the above remarks, Applicants respectfully request that Examiner withdraw the rejections.

On page 5 of the Office Action, claims 1-5 were rejected under 35 USC 103(a) as being unpatentable over and article "Internet Story" by Andrew Stringer (Stringer) in view of an article "Digital Photography News Archive" by Michael Tomkins (Tomkins) and an article "Consumer Alert" by Mike Cox (Cox). Applicants respectfully traverse the rejection.

First, Stringer fails to teach or suggest at least selecting a service plan having a designated periodic fee by each of the plurality of users, each selected service plan being associated with the user's digital camera. Rather, Stringer discloses a business of online photography, allowing users to post, share and edit photographs. However, Stringer does not disclose a service plan being associated with the user's digital camera. Furthermore, Stringer does not disclose

a designated periodic fee. Stringer merely discloses allowing a user to store 15Mb of photos online for free.

Tomkins fails to remedy the deficiencies of Stringer as Tomkins also fails to teach or suggest at least selecting a service plan having a designated periodic fee by each of the plurality of users, each selected service plan being associated with the user's digital camera. Rather, Tomkins discloses a low-resolution digital camera with an integrated modem, CPU and phone interface for uploading pictures to a web server. However, Tomkins does not disclose a service plan being associated with the user's digital camera.

Cox fails to remedy the deficiencies of Stringer and Tomkins as Cox also fails to teach or suggest at least selecting a service plan having a designated periodic fee by each of the plurality of users, each selected service plan being associated with the user's digital camera. Rather, Cox discloses general information on facts to know before changing to wireless cellular phones. However, Cox does not disclose a service plan being associated with the user's digital camera.

Second, Stringer fails to teach or suggest at least storing digital images captured using the plurality of digital cameras in accordance with each associated service plan. Rather, Stringer discloses a business of online photography, allowing users to post, share and edit photographs.

Tomkins fails to remedy the deficiencies of Stringer as Tomkins also fails to teach or suggest at least storing digital images captured using the plurality of digital cameras in accordance with each associated service plan. Rather, Tomkins discloses a low-resolution digital camera with an integrated modem, CPU and phone interface for uploading pictures to a web server.

Cox fails to remedy the deficiencies of Stringer and Tomkins as Cox also fails to teach or suggest at least storing digital images captured using the plurality of digital cameras in accordance with each associated service plan. Rather, Cox discloses information in wireless cellular phones.

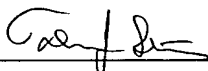
Therefore, in view of the above remarks, Applicants' independent claim 1 is patentable over the cited references. Because claims 2-5 depend from claim 1, and include the features recited in the independent claim, Applicants

respectfully submit that claims 2-5 are also patentably distinct over the cited reference. Nevertheless, Applicants are not conceding the correctness of the Office Action's rejection with respect to such dependent claims and reserve the right to make additional arguments if necessary.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Deposit Account No. 05-0225.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.